

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

	6716		3630		1849
APPLICATIONS	<u>15197</u>	PERMITS	<u>9821</u>	LICENSES	<u>5677</u>

**ORDER APPROVING PETITIONS FOR CHANGE**

**WHEREAS:**

1. The City of Redding (City) acquired Licenses 1849 and 5677 in 1994; whereupon the City filed petitions to change the point of diversion, place of use and purpose of use for both licenses. The City sought approval to divert the water using the City's existing pump on the Sacramento River to use the water under these licenses within the City's municipal boundaries, for municipal purpose of use.
2. Notice of these petitions was provided on April 8, 1994. The U.S. Bureau of Reclamation filed protests to the Change Petitions.
3. A field investigation was conducted on August 30, 1995 pursuant to Section 760 of Title 23, California Code of Regulations.
4. On April 25, 1997, the Division of Water Rights issued a staff analysis which recommends that the proposed changes be conditionally approved.
5. On May 27, 1997 the U.S. Bureau of Reclamation commented in writing on the staff analysis and requested measurements and other documentation of the flow in Olney Creek during the irrigation season and reporting on the water diverted at the new point of diversion.

**NOW, THEREFORE, IT IS ORDERED THAT:**

The Change Petitions for Licenses 1849 and 5677 are approved, subject to existing license conditions and the following additional conditions:

1. The total quantity of water diverted under Licenses 1849 and 5677, shall not exceed 265 acre-feet.
2. The source under the licenses shall be changed as follows:  
Sacramento River tributary to Suisun Bay.
3. The purpose of use under the licenses shall be changed as follows:  
Municipal and industrial

4. The points of diversion under the licenses shall be changed as follows:  
  
Sacramento River South 57° 01' West 4,834.94 feet from the  $\frac{1}{4}$  corner of Sections 25 and 26, within the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 26, T32N, R5W, MDB&M.
5. The place of use under the licenses shall be changed as follows:  
  
City of Redding Service Area, being within T30N, R31N, T32N, and T33N; R4W, and R5W, MDB&M, as shown on map on file with the State Water Resources Control Board (SWRCB).
6. The existing continuing authority condition in License 5677 shall be amended to reflect the current common law public trust doctrine as contained in Title 23, California Code of Regulations, Section 780(a): Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

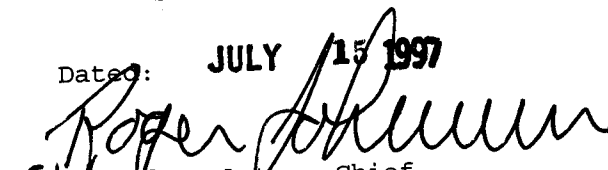
7. The water diverted under this license shall be used only within the county or watershed of origin of the water. This license does not authorize the holder to divert any water that the U.S. Bureau of Reclamation collected to storage in reservoirs located upstream of the licensee's point of diversion prior to the authorized diversion season under this license.

(0360900)

8. The total amount of water that can be diverted under License 1849 and License 5677 is dependent on the continuation of leakage from the Anderson-Cottonwood Irrigation District canal at its intersection with Olney Creek in an amount that equals or exceeds 0.69 cubic feet per second (cfs). If the leakage into Olney Creek during the authorized diversion season is less than 0.69 cfs, the total amount diverted under Licenses 1849 and 5677 shall be reduced to equal the leakage into Olney Creek. (0360900)
9. The priority of License 1849 (Application 6716) of the City of Redding shall be junior to the priority of License 5151 (Application 14450) of Harry Daniel. (0000112)
10. In accordance with Section 1601, 1603, and/or Section 6100 of the Fish and Game Code, no water shall be diverted pursuant to this Order until licensee has either: (1) installed adequate fish screens on Pump Station #1; or, (2) obtained the written opinion of (a) Department of Fish and Game (DFG) or (b) National Marine Fisheries Service (NMFS) that fish screens are not necessary at this location. The licensee shall obtain written concurrence from either DFG or NMFS that any fish screens proposed to be installed pursuant to option (1) are adequate, prior to installation of the fish screens. The licensee shall provide a copy of all correspondence with DFG and/or NMFS regarding the fish screens to the Chief, Division of Water Rights within 15 days after it is received by the licensee. Construction, operation, and maintenance costs of any required facility are the responsibility of the licensee. (0000063)
11. Licensee shall install and maintain a staff gage at the Girvan Road Bridge crossing of Olney Creek, satisfactory to the SWRCB, to measure the rate of water flow in Olney Creek. Licensee shall provide to the SWRCB a rating curve for the staff gage sufficient to determine the actual streamflow. Licensee shall record the staff gage reading on or about March 1 and July 1 of each year. If the flow in Olney Creek exceeds 3 cubic feet per second (cfs), no additional measurements are required during that calendar year. If the flow in Olney Creek is between 1 and 3 cfs, bi-monthly flow measurements shall be made to document that the flow exceeds 1 cfs. Whenever the flow is less than 1 cfs, monthly measurements shall be made. The licensee shall limit diversions from the Sacramento River to the quantity which is documented as available in Olney Creek, not to exceed the authorized rate of diversion under Licenses 1849 and 5677.
12. Licensee shall provide to the SWRCB meter and accounting records showing the quantity of water diverted and the rate of diversion under these licenses. License shall submit such records to the SWRCB with the Progress Report By Licensee, or within 30 days of a request by the SWRCB.

Dated:

JULY 15 1997

  
701 Edward C. Anton, Chief  
Division of Water Rights



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 15197

PERMIT 9821

LICENSE 5677

THIS IS TO CERTIFY, That

Graeme A. Stewart  
c/o Mento, Buchler and Littlefield  
Attorneys at Law  
614 Crocker-Anglo Bank Building, Sacramento 14, California  
has made proof as of June 17, 1958

(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of  
Olney Creek in Shasta County

tributary to Sacramento River

for the purpose of irrigation use  
under Permit 9821 of the State Water Rights Board and that said right to the use of said water has been  
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the  
terms of the said permit; that the priority of the right herein confirmed dates from February 16, 1953  
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited  
to the amount actually beneficially used for said purposes and shall not exceed fifty-eight hundredths (0.58)  
cubic foot per second to be diverted from about May 1 to about October 31 of each  
year.

The equivalent of such continuous flow allowance for any thirty day period may be  
diverted in a shorter time if there be no interference with other vested rights.

The point of diversion of such water is located:

South forty-two degrees thirty minutes east (S42°30'E) three thousand three hundred  
(3300) feet from N. corner of Section 27 of Rancho San Buenaventura, known as P.B.  
Reading Grant; being within SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 24, T31N, R5W, MDB&M.

A description of the lands or the place where such water is put to beneficial use is as follows:

68.3 acres within NE $\frac{1}{4}$  and SE $\frac{1}{4}$  of Section 27, P.B. Reading Grant, and being within  
projected Sections 19 and 30, T31N, R4W, MDB&M and projected Sections 24 and 25,  
T31N, R5W, MDB&M as shown on map filed with State Water Rights Board.

All rights and privileges under this license including method of diversion, method of use and quantity of water  
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the  
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of  
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time  
to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein  
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

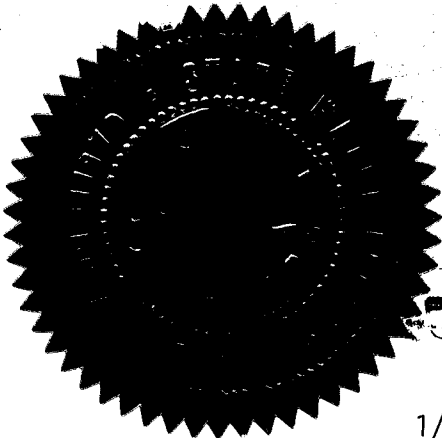
Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

APR 10 '59

Dated:

*L. K. Hill*  
L. K. Hill  
Executive Officer



3/29/63 RECEIVED NOTICE OF ASSIGNMENT TO *Stanley E. ...*  
*Wanda S. Buchanan,*

1/31/94 Not of asgd: App#15197 Lic#5677  
City of Redding

LICENSE 5677

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Graeme A. Stewart

DATED APR 10 '59

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